

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

1992 Annual Access Tariff Filings)

GTE Telephone Operating)
Companies)

CC Docket No. 92-141

Transmittal No. 711

GTE OPPOSITION TO
MOTION FOR EXTENSION OF TIME

GTE Service Corporation, on behalf of its affiliated domestic telephone operating companies ("the GTOCs"), hereby opposes the Motion for Extension of Time filed by the Association of Local Telecommunications Services ("ALTS") on August 3, 1992. ALTS is seeking an additional 36 days to file oppositions to the GTE Direct Case in the above-referenced tariff investigation. For the reasons stated below, the requested extension is unjustified and should be denied.

GTE filed its Direct Case on July 27, as required by the Designation Order in this proceeding. All parties of record were served that day with a copy of the Direct Case, excluding the 32 pages of confidential exhibits. All parties were also notified at that time that GTE was willing to make the confidential exhibits available under a nondisclosure agreement, a procedure the Commission has used previously. ALTS requested the confidential exhibits from GTE on August 3. The nondisclosure agreement was signed and the confidential exhibits were given to counsel for ALTS by 3PM on August 3.

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The pleading schedule originally established in the Designation Order in this proceeding provided thirty days to prepare the Direct Case and required oppositions to be filed within fourteen days of the filing of the Direct Case. The Motion argues that the original fourteen days provided for oppositions is inadequate, and that the seven-day delay in getting the supporting data somehow justifies the additional time to prepare a response.¹ Neither argument supports the 36-day extension requested.

First, the original fourteen days allows sufficient time for preparing oppositions. Only two issues were designated in the investigation. The GTE Direct Case responded to these two issues and provided supporting data for the four jurisdictions involved. Although ALTS characterizes this investigation as "unique" and implies far-reaching consequences, the Commission fully anticipated below-band filings and set forth the criteria for evaluating such filings in the Price Cap Orders. Other on-going Commission proceedings are not relevant to the evaluation of the rates in this investigation. The original fourteen-day period is consistent with other time periods used in similar proceedings and is reasonable.

Second, the seven days that ALTS was delayed in getting the confidential data clearly cannot justify an extension of 36 days. While ALTS suggests that GTE was recalcitrant in providing the necessary data, GTE submits that the required information was provided timely and fairly. The Direct Case was timely served on ALTS on July 27. At that time, ALTS had GTE's pleading and all but

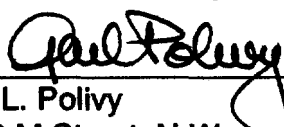
¹ GTE will not respond to ALTS' objections to GTE's request for confidential treatment since these arguments are not properly presented in a motion for extension of time. In any case, since counsel for ALTS voluntarily entered into a nondisclosure agreement with GTE and has received the confidential documents, ALTS has no valid objection.

32 pages of supporting data and could have begun its analysis and preparation. ALTS was also served with notice on July 27 that GTE was seeking confidential treatment for some of the information and that it would make the information available under a nondisclosure agreement. As soon as GTE was advised that ALTS wanted the confidential information, GTE made the information available. GTE filed in accordance with the Commission's Rules, while protecting and maintaining the confidentiality of its proprietary information.

For the foregoing reasons, GTE submits that the 36-day extension requested by ALTS is unjustified. GTE would not object, however, to a seven-day extension, as long as GTE's reply date is also extended seven days.

Respectfully submitted,

GTE Service Corporation, on behalf of
its affiliated GTE domestic telephone
operating companies

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August 4, 1992

THEIR ATTORNEY

Certificate of Service

I, Jennifer McCain, hereby certify that a copy of the foregoing "GTE Opposition To Motion For Extension Of Time" has been mailed by first class United States mail, postage prepaid, on the 4th day of August, 1992 to the following parties:

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